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INTERNATIONAL BUSINESS  
MACHINES CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ROBERT MAYBERRY,  
Plaintiff,

vs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,  
Defendant.

CASE NO. CV-09-1369-CW

**JOINT STIPULATION FOR DISMISSAL  
WITH PREJUDICE AND ORDER**

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Robert Mayberry and  
2 Defendant International Business Machines Corporation stipulate to voluntarily dismiss with  
3 prejudice the above-captioned action pursuant to the terms of the parties' settlement agreement  
4 and with each party to bear its own costs and attorneys' fees.

5 IT IS SO STIPULATED.

6  
7 DATED: October \_\_\_\_, 2009

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11 Counsel for Plaintiff  
12 Robert Mayberry

13 DATED: October \_\_\_\_, 2009

14 \_\_\_\_\_  
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18 Counsel for Defendant  
19 International Business Machines Corporation  
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**ORDER**

Based upon the foregoing stipulation and good cause appearing, the Court hereby orders that the above-captioned action is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1) with each party to bear its own costs and attorneys' fees.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

10/14

DATED: \_\_\_\_\_, 2009



HONORABLE CLAUDIA WILKEN

Judge, United States District Court

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